

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Leslie Davis,

Plaintiff,

v.

Civil No. 08-5320 (JNE/AJB)  
ORDER

Hennepin County, a political subdivision;  
and Commissioner Johnson, Commissioner  
Opat, Commissioner Stenglein,  
Commissioner Dorfman, Commissioner  
Koblick, Commissioner McLaughlin, Security  
Officer Robert Estes, Security Officer James  
Henderson, Security Supervisor Christopher  
Mara, Security Supervisor Thomas Billings,  
Security Officer Scott Elmore, Security  
Supervisor Bill Columbein, and all others  
unknown, all in their personal and professional  
capacities,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Arthur J. Boylan, United States Magistrate Judge, on March 10, 2010. The magistrate judge recommended that Defendants' Motion to Dismiss Second Amended Complaint be granted in part and denied in part. The magistrate judge recommended that claims 1 through 22 be dismissed without prejudice to the extent they state federal claims and that claims 1 through 22 be remanded to state court to the extent they state claims premised on state law. Plaintiff and Defendants objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court modifies the dismissal of the federal claims to be with prejudice and otherwise adopts the Report and Recommendation [Docket No. 47]. Therefore, IT IS ORDERED THAT:

1. Defendants' Motion to Dismiss Second Amended Complaint [Docket No. 37] is GRANTED IN PART and DENIED IN PART.

2. To the extent claims 1 through 22 of Plaintiff's Second Amended Complaint state federal claims, those claims are DISMISSED WITH PREJUDICE.
3. To the extent claims 1 through 22 of Plaintiffs' Second Amended Complaint state claims premised on state law, those claims are REMANDED to the Fourth Judicial District of the State of Minnesota.
4. The Clerk of Court shall mail a certified copy of this Order to the clerk of the Fourth Judicial District of the State of Minnesota as required by 28 U.S.C. § 1447(c).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 14, 2010

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge